

REMARKS

Reconsideration is respectfully requested. Claims 1 and 2 are present in the application.

Claim 1 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Differding et al (WO 01/62726A2). Claim 2 is rejected under 35 U.S.C. §102(b) as being anticipated by INTSTITUT MEDIKO-BIOLOGICHESKIKH PROBLEM.

Applicant respectfully traverses.

Enclosed is the declaration of unexpectedness of the result received by the use of the present invention, made by one of the inventors, V. I. Akhapkina.

The applicant is of the expert opinion that the Patent Differding and others does not describe clearly depression treatment by N-carbomoyl-methyl-4-phenyl-2-pyrrolidone, mentioned in Claim 1 of the applied invention.

Moreover, the said agent is not included in any of the examples given in the Differding patent and proving antidepressant activity of the corresponding compounds.

Thus, the Applicant strongly disagrees the fact that 2-oxo-1-pyrrolidine covered by the Differding patent is used for depression treatment. The Patent does not include any evidences of antidepressant activity of this compound.

It is common knowledge that various chemical derivatives based upon the same structure (pyrrolidone in this case) but

having different radicals or the same radicals located in different positions of a structural base have not only different chemical properties but also different pharmacotherapeutic properties and often have no useful pharmacotherapeutic properties at all.

The Applicant points out once more the fact that assumption of equivalence of all 2-oxo-1-pyrrolidine derivatives contradicts commonly-known facts. In order to change one substance by another in the course of treatment of depression in our situation it is necessary to discover antidepressant activity but not to assume it.

It follows from the Differding patent that the substance N-carbomoyl-methyl-4-phenyl-2-pyrrolidone applied by us does not have antidepressant activity because the author does not include it in any of the examples proving the said activity. Accordingly the authors of the Patent did not include N-carbomoyl-methyl-4-phenyl-2-pyrrolidone in the list of interconvertible derivatives for depression treatment.

A corresponding analysis applies also to claim 2.

Thus, neither Patent RU2050851 nor the Differding W001/62726 document destroy the novelty and inventive level of the present invention.

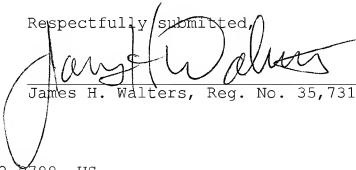
Enclosed to the present letter is the declaration of unexpectedness of the result received by the use of the present invention.

Accordingly, it is respectfully submitted that the claims are allowable.

In light of the above noted amendments and remarks, this application is believed in condition for allowance and notice thereof is respectfully solicited. The Examiner is asked to contact applicant's attorney at 503-224-0115 if there are any questions.

It is believed that no further fees are due with this filing or that the required fees are being submitted herewith. However, if additional fees are required to keep the application pending, please charge deposit account 503036. If fee refund is owed, please refund to deposit account 503036.

Respectfully submitted,

  
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